

Remarks

Claims 1, 3-14, 16-27, 29-39, 42-48 and 51-58 are pending in this application. Claims 1, 3, 4, 14, 16, 17, 27, 29, and 58 have been amended in various particulars as indicated hereinabove. Claims 2, 15, and 28 have been cancelled without prejudice or disclaimer.

Regarding the interview summary of December 20, 2005: Rule 133(b) governs records of interviews. It applies when reconsideration is requested in view of an interview. The Supplemental Amendment did not request reconsideration based on the interview. Instead, in the interview, it was noted that additional detail would benefit claim 58. The amendment to claim 58 added detail. No prior art was discussed in the interview.

Therefore, an interview summary is not required. Nevertheless, the interview summary provided in the Supplemental Amendment is accurate and complete.

Claims 1-39, 42-43, 45-48, 51-52, and 54-58 were rejected under 35 U.S.C. 102(e) as being anticipated by Malan *et al.* with U.S. Patent Application Publication 2002/0032871. In a related rejection, claims 44, and 53 were rejected under 35 U.S.C. 103(a) as being unpatentable over Malan *et al.* with U.S. Patent Application Publication 2002/0032871. These rejections are respectfully traversed for the following reasons.

Due to the filing date, the Malan application is only prior art insofar as its disclosure is supported by cited provisional application 60/231,481.

Independent claim 1 now requires that the monitor/regulator makes the determination based on differential characteristics of network traffic routed out of the first network domain relative to network traffic routed into the first network domain. The other independent claims require have similar features.

The cited provisional does not teach or suggest such a determination based on differential characteristics.

In fact, exactly how the cited provisional application makes the determination is outside its scope. From page 10 of the cited provisional:

instantly identify malicious traffic. This patent-pending technology utilizes custom algorithms to identify denial of service attacks in the reams of incoming traffic flow statistics gathered from the routing infrastructure.

Therefore, the pending claims are patentably distinguishable over the applied reference insofar as it is supported by the cited provisional.

It is believed that the present application is in condition for allowance. A Notice of Allowance is respectfully solicited. Should any questions arise, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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